

Handout #7 – Highlights of Replacement Water Settlement Agreement

Affected Parties: Kaweah Basin Water Quality Association, Tule Basin Water Quality Coalition, and Kings River Watershed Coalition Authority (“Coalitions”)

Purpose: Proactively evaluate the scope of, and finance the provision of, replacement water to certain drinking water systems and to individual wells that are or may be impacted with nitrate levels above the MCL, and to explore longer-term alternatives and financing for more lasting solutions.

Agreement Term: Commence on or before December 19, 2018; end on December 18, 2022, and automatically renew for two-year periods thereafter until December 18, 2028, or later if agreed upon by the parties. Agreement may end before these dates upon: (a) adoption or implementation of a legislative, regulatory, policy-based, or similar form of funding source that is designed, in whole or in part, to fund the provision of replacement water to nitrate-impacted drinking water sources in the Subject Area; (b) amendments to the Central Valley Water Board's General Orders that render this Agreement moot due to the provision of drinking water on the same or accelerated schedule; or (c) the implementation of long-term solutions addressing nitrate contamination in the targeted area of a kiosk.

Replacement Water Requirement:

- *Kiosks* - Eight water kiosks are to be developed and made available for dispensing drinking water for drinking and cooking uses at no cost to users per following schedule: (a) At least one kiosk in each coalition boundary area (i.e., three altogether) will be available and operational by April 30, 2019; (b) Three additional kiosks will be available and operational by October 1, 2019; (c) Final two kiosks (i.e., eight in total) will be available and operational by January 31, 2020.
- *Bottled Water* - Alternative drinking water delivery may occur through a third-party service provider to certain individuals that are unable to utilize a kiosk, subject to specific conditions set in the Agreement.

Outreach: Once a kiosk is operational, the Coalitions will publicly notice the availability of safe drinking water to residents within the ten-mile radius of the kiosk (e.g., direct mail, notices in the newspaper and/or on Coalitions or other relevant websites).

Coalitions may contract with appropriate third-party service provider(s) to assist in notifying the targeted communities of the availability of replacement water at the kiosk closest to them, and of the availability of bottled water delivery depending on certain circumstances.

Reporting: Status report every four months during the first two years of the Agreement. Report to document progress of replacement water efforts, e.g., progress of kiosk installation and operation, the volume of water dispensed at kiosks that are in operation, number of residents provided with replacement water directly rather than at a kiosk, and outreach efforts. After completion of all eight kiosks, status reports may occur annually.

Agreement vs. Anticipated Central Valley Region Early Action Plans - For the Coalitions, a primary purpose for this Agreement is that the provision of replacement water as provided pursuant to this Agreement fulfills all or parts of an Early Action Plan (EAP) that is part of proposed Central Valley Water Board basin plan amendments for a Nitrate Control Program.

Settlement Agreement:

https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2018/cv_replacement_water_sa_20181224.pdf